

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

**MERCK SHARP & DOHME CORP., MSD
INTERNATIONAL GMBH,**
Plaintiffs-Appellees,

v.

MYLAN PHARMACEUTICALS INC.,
Defendant-Appellant.

2012-1434

Appeal from the United States District Court for the
District of New Jersey in No. 10-CV-3085, Judge Jose L.
Linares.

JUDGMENT

DAVID T. PRITIKIN, Sidley Austin, LLP, of Chicago, Illinois, argued for plaintiffs-appellees. With him on the brief were WILLIAM H. BAUMGARTNER, JR. and CONSTANTINE L. TRELA, JR.; and PETER S. CHOI, of Washington, DC; and TODD L. KRAUSE, of New York, New York. Of counsel on the brief were PAUL D. MATUKAITIS, EDWARD W. MURRAY and LISA A. JAKOB, Merck & Co., Inc., of Rahway, New Jersey. Of counsel was DONALD A.

ROBINSON, Robinson, Wettre & Miller LLC, of Newark, New Jersey.

THOMAS J. PARKER, Alston & Bird, LLP, of New York, New York, argued for defendant-appellant. Of counsel were BLAS P. ARROYO and JITENDRA MALIK, of Charlotte, North Carolina; and DEEPRO MUKERJEE, of New York, New York.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, MAYER, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 7, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk